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*K&L Gates*  
2008 SEP 12 A 11: 08

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JESSIE WITT  
BONNER COUNTY RECORDER

*CB* DEPUTY

STENOGRAPHER  
2008 AUG 29 A 10: 52

Michael C. Ormsby, ISB No. 4013  
**KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP**  
1200 W. Ironwood Dr., Suite 315  
Coeur d'Alene, ID 83814  
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Attorney for Petitioner  
GRANITE REEDER WATER  
& SEWER DISTRICT

**758494**

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
STATE OF IDAHO, IN AND FOR BONNER COUNTY

In the Matter of:

GRANITE REEDER WATER  
& SEWER DISTRICT,

Petitioner.

Cause No. 13399

MOTION AND ORDER ANNEXING  
PROPERTY

COMES NOW GRANITE REEDER WATER & SEWER DISTRICT (the "District"),  
and moves the Court for an Order of the Court annexing certain real property commonly known  
as the "Davis Annexation."

This Motion is made pursuant to Idaho Code § 42-3218(a), the records and files herein  
and the following Exhibits to this Motion:

**PETITION AND ORDER ANNEXING  
PROPERTY**  
(Davis Annexation) - 1

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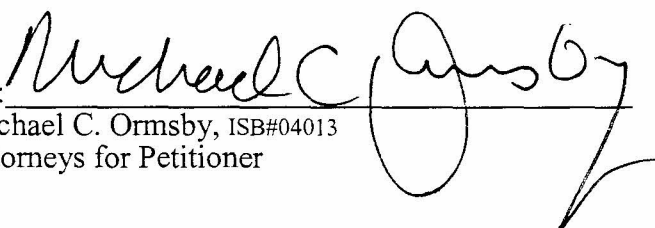
SEP 18 2008

TECHNICAL SUPPORT

A certified copy of the Board of Directors' Order Granting Petition for Annexation and the exhibits supporting the Board of Directors' Order are attached to this Motion and Order.

DATED: August 27, 2008

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP

By:   
Michael C. Ormsby, ISB#04013  
Attorneys for Petitioner

**PETITION AND ORDER ANNEXING  
PROPERTY**  
(Davis Annexation) - 2

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ORDER

The undersigned District Court Judge/Commissioner, having read and considered the  
Petitioner's Motion for an Order Annexing Property into the District and the attached exhibits,  
good cause appearing and being otherwise advised:

IT IS HEREBY ORDERED that the real property covered by the Annexation Petition  
and the Order of the Board of Directors of the District is hereby annexed GRANITE REEDER  
WATER & SEWER DISTRICT, effective the date of this Order.

DATED this 5<sup>th</sup> day of September.

/s/ JUDGE VERBY  
JUDGE/COMMISSIONER

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## Exhibit List

1. Order Granting Petition for Annexation
  - A. Petition Request for Annexation
  - B. Legal Description of Property
  - C. Map of Property
  - D. Notice and Affidavit of Publication

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**ORDER GRANTING  
PETITION FOR ANNEXATION  
TO GRANITE REEDER WATER and SEWER DISTRICT**

**GRANITE REEDER WATER and SEWER DISTRICT  
Bonner County, Idaho  
(Elkins & Davis Annexations)**

The Board of Directors (the "Board") of Granite Reeder Water and Sewer District (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water and sewer district under and by virtue of the laws of the State of Idaho. The boundaries of the District prior to any annexation is attached hereto as Exhibit "A".

(2) The owners of certain real properties located in Bonner County, Idaho, generally adjacent to the boundaries of the District, filed Petitions for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petitions and attachments thereto are attached hereto as Exhibit "B-1" (Elkins Petition) and "B-2" (Davis Petition) as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petitions were executed by more than 60% of the property owners in the area covered by the annexation (actually the Petitions were executed by all of the property owners in the areas proposed to be annexed). (The area covered by the two annexations is set forth in the map attached hereto and incorporated herein by this reference as Exhibits "C-1" (Elkins Annexation) and "C-2" (Davis Annexation).)

(4) A public hearing was set for March 5, 2007, with notice of the hearing given by both publication and mailing. Notice for a public hearing on each proposed annexation was published in the *Priest River Times* on February 14, 2007, and posted at the regular meeting place of the Board at the Nordman Fire Station. (A copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "D-1" (Elkins Annexation) and "D-2" (Davis Annexation).)

(5) At said public hearing the Board, its consultants and those submitting the Petitions were prepared to respond to any questions or issues raised. There was no one present at the hearing. Minutes of the public meeting held on March 5, 2007 are attached hereto as Exhibit "E".

(6) The Board has assumed, pursuant to the provisions of Idaho Code Section 42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property is deemed as their assent.

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(7) The Board, after balancing the written responses received and reviewed, the other comments made at the public meetings, the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District, its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petitions.

(8) The Board has placed no conditions on the annexation of the property. The legal descriptions of the two distinct parcels of property to be annexed into the District are included in Exhibits "F-1" (Elkins property) and "F-2" (Davis property) attached hereto and incorporated herein by this reference.


(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the District Court Clerk for presentation to the District Court for signature for filing pursuant to Idaho Code §42-3218(b).

This Order is adopted by a majority vote of the Board of Directors at a meeting on March 5, 2007.

GRANITE REEDER WATER AND SEWER  
DISTRICT, Bonner County, Idaho

By:   
Chairman, Board of Directors

ATTEST:

  
Clerk, Board of Directors

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**GRANITE REEDER WATER AND SEWER DISTRICT  
Bonner County, Idaho**

**REQUEST FOR ANNEXATION TO AND INCLUSION IN DISTRICT**

WHEREAS, Granite Reeder Water and Sewer District, of Bonner County, Idaho, (the "District"), has been duly and properly created under and by virtue of the constitution and laws of the State of Idaho and is governed by a Board of Directors therefore (the "Board");

WHEREAS, ROBERT L. DAVIS / SHARON V. DAVIS ("Property Owner") has expressed an interest in being included within the boundaries of the District;

WHEREAS, the Property Owner now seeks annexation to and inclusion of certain real property (the "Real Property") in the District;

WHEREAS, the Board has estimated that the cost and expense of including the Real Property owned by Property Owner within the District is minimal; and

WHEREAS, the Property Owner and the Board believe that inclusion of the Real Property within the District will result in an increase in the benefits to the Property Owner and the District;

NOW, THEREFORE, THE UNDERSIGNED REPRESENTATIVE OF THE OWNER OF SAID REAL PROPERTY hereinafter described:

(1) Requests annexation to and inclusion in Granite Reeder Water and Sewer District for the purposes of receiving access to sewer improvements ("Improvements") provided by the District and agree to pay all expenses due and owing for said inclusion and Improvements. Property Owner understands that the District has adopted policies related to the connection to and receipt of the benefits of said Improvements. Property Owner understands that the Real Property may not yet have access to said Improvements, but are willing to wait for this access.

(2) Agree and request that said Improvements be made therein and that the cost and expense of the same shall be assessed to the hereinafter described Real Property and the assessment shall be levied against said Real Property as provided by law and in accordance to the benefit attributable thereto.

(3) Waive any irregularities in the inclusion of this property into the District and into the Local Improvement District which has been formed to construct and finance the Improvements.

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(4) Certify that the undersigned is the representative of and authorized signator for the Property Owner and has legal authority to sign this document on behalf of the owner of this Real Property and that the description below represents a true, correct and complete property description.

DATED this 30<sup>th</sup> day of November, 2006.

PROPERTY OWNER: Robert Davis / Sharon Davis

By \_\_\_\_\_ [Title]

By \_\_\_\_\_ [Title]

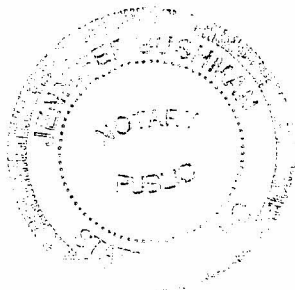
Legal Description of Property: SEE ATTACHED

Area of Land to be Included:	Taxpayer: Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

STATE OF IDAHO       )  
                                  ) ss:  
County of Bonner       )

On this 30<sup>th</sup> day of November, 2006, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Robert Davis / Sharon to me known to be the individuals named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand under my official seal this 30<sup>th</sup> day of November, 2006.



Jennifer Bushman  
NOTARY PUBLIC in and for the State of Idaho,  
Residing at Nordman  
My commission expires: April 8, 2011

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ACKNOWLEDGMENT AND ACCEPTANCE BY DISTRICT

PASSED AND APPROVED this 8 day of January, <sup>2007</sup>~~2006~~, by the Board  
of Directors of Granite Reeder Water and Sewer District.

Vincent Aguirre  
Chairman, Board of Directors

ATTEST:

Donald R. Pratt  
District Secretary

(SEAL)

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**FIRST COMMITMENT  
SCHEDULE A**

1. Commitment Date : **December 13, 2007 at 7:30 A.M.**

2. Policy or Policies to be issued:

**Policy Amount      Premium Amount**

Owner's Policy

Standard Owner's Policy (6/17/06) Form 1402-06

**\$ 0.00**

**\$ 200.00**

with applied credit of

**\$ None**

Proposed Insured:

**To Be Determined**

3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date by:

**Robert L Davis and Sharon V Davis, husband and wife**

4. The land referred to in this Commitment is described as follows:

**That portion of Lot 5, Block 3, Pool's Reeder Tracts, according to the plat recorded in Book of Plats, page 152, records of Bonner County, Idaho, described as follows:**

**Beginning at the "Initial Point" of said Pool's Reeder Tracts, which point is the East quarter corner of Section 19, Township 61 North, Range 4 West, B.M., thence North 0°03' East, 150.00 feet to the Northeast corner of said Lot 5, thence South 34°01'34" West 178.92 feet to a point on the South line of Lot 5, thence South 89°01' East, 100.00 feet to the point of beginning.**

Commonly known as:      NNA, Sandpoint, ID 83864

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**FIRST COMMITMENT  
SCHEDULE A**1. Commitment Date : **December 13, 2007 at 7:30 A.M.**

2. Policy or Policies to be issued:

**Policy Amount      Premium Amount**

Owner's Policy

Standard Owner's Policy (6/17/06) Form 1402-06

**\$ 0.00****\$ 200.00**

with applied credit of

**\$ None**

Proposed Insured:

**To Be Determined**

3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date by:

**Robert L. Davis and Sharon V Davis, husband and wife**

4. The land referred to in this Commitment is described as follows:

**Parcel 1****The Northeast Quarter of the Northeast Quarter of Government Lot 3, and the West half of the Northeast Quarter of Government Lot 3, in Section 19, Township 61 North, Range 4 West, B.M., Bonner County, Idaho, excepting therefrom:****A parcel of land lying in a portion of Government Lot 3 of Section 19, Township 61 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:****Commencing at the East quarter corner of said Section 19, said corner bears South 89°36'26" East, 665.70 feet from the Homestead Entry Survey (H.E.S.) No. 773 Corner No. 1; Thence North 89°36'26" West, 648.20 feet, along the East-West centerline of said Section 19, to the True Point of Beginning; Thence leaving said East-West Section Centerline, South 00°28'30" West, 290.13 feet, along a line parallel with the East line of Tract "A" of said H.E.S. No. 773 Survey, to a point; thence South 76°09'13" West, 515.63 feet to a point on the Southerly line of Tract "A" of said H.E.S. No. 773 Survey; thence Northwesterly and Southeasterly, along the Southerly, Westerly and North line of said Tract "A", the following four (4) described courses:****1. North 03°07'00" West, 137.94 feet to Corner No. 4 of said H.E.S. No. 773 Survey, said corner being the Original Stone Monument,****2. North 59°52'00" West, 190.35 feet (190.08) feet, record) to Corner No. 5 of said H.E.S. No. 773 Survey, said corner being the Original Stone Monument, said Corner also being on the West line of said Government Lot 3.****3. North 00°06'47" East, 184.10 feet (184.14 feet, record) to a found 5/8" Rebar by PLS 882, monumenting Corner No. 6 of said H.E.S. No. 773 Survey, said corner also being the Northwest corner of said Government Lot 3;****4. South 89°40'20" East, 657.32 feet along the North line of said Government Lot 3, to Corner No. 1 of said H.E.S. No. 773 Survey, said Corner being the Original Stone Monument;****RECEIVED****SEP 18 2008**

TFOUR...

thence, South 89°36'26" East, 17.50 feet along the North line of said Government Lot 3, to the True Point of Beginning.

**Parcel 2**

That portion of Homestead Entry Survey No. 773 Located in Section 19, Township 61 North, Range 4 Wet B.M., Bonner County, Idaho, (known as Tract "A"), described as follows:

Beginning for the description of Tract "A" at Corner No. 1 from which the East Quarter Corner to said Section 19 bears North 89°52' East 9.95 chains distant;

Thence South 22 feet West 11.01 chains to Corner No. 2;

Thence North 70°07' West 7.62 chains to Corner No. 3;

Thence North 3°26' West 4.19 chains to Corner No. 4;

Thence North 60°11' West 2.88 chains to Corner No. 5;

Thence North 00°15' East 2.79 chains to Corner No. 6;

Thence North 89°52' East 9.96 chains to Corner No. 1, the place of beginning, excepting therefrom:

A parcel of land lying in a portion of Government Lot 3 of Section 19, Township 61 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of said Section 19, said corner bears South 89°36'26" East, 665.70 feet from the Homestead Entry Survey (H.E.S.) No. 773 Corner No. 1; Thence North 89°36'26" West, 648.20 feet, along the East-West centerline of said Section 19, to the True Point of Beginning; Thence leaving said East-West Section Centerline, South 00°28'30" West, 290.13 feet, along a line parallel with the East line of Tract "A" of said H.E.S. No. 773 Survey, to a point; thence South 76°09'13" West, 515.63 feet to a point on the Southerly line of Tract "A" of said H.E.S. No. 773 Survey; thence Northwesterly and Southeasterly, along the Southerly, Westerly and North line of said Tract "A", the following four (4) described courses:

1. North 03°07'00" West, 137.94 feet to Corner No. 4 of said H.E.S. No. 773 Survey, said corner being the Original Stone Monument,
2. North 59°52'00" West, 190.35 feet (190.08) feet, record) to Corner No. 5 of said H.E.S. No. 773 Survey, said corner being the Original Stone Monument, said Corner also being on the West line of said Government Lot 3.
3. North 00°06'47" East, 184.10 feet (184.14 feet, record) to a found 5/8" Rebar by PLS 882, monumenting Corner No. 6 of said H.E.S. No. 773 Survey, said corner also being the Northwest corner of said Government Lot 3;
4. South 89°40'20" East, 657.32 feet along the North line of said Government Lot 3, to Corner No. 1 of said H.E.S. No. 773 Survey, said Corner being the Original Stone Monument;

thence, South 89°36'26" East, 17.50 feet along the North line of said Government Lot 3, to the True Point of Beginning.

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AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terni Ivie

being first duly sworn on oath

deposes and says that he/she is Managing Editor

of the Priest River Times, a newspaper printed and

published at Priest River, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Annexation of Property - Davis

as it was published in the regular and entire issue of the

said paper for a period of 1 consecutive weeks,

commencing on 14th day of February, 2007

and ending on the 14th day of February, 2007

and that said notice was published in said newspaper.

On this 14th day of February in the year

of 2007, before me, a Notary Public, personally

appeared Terni Ivie,

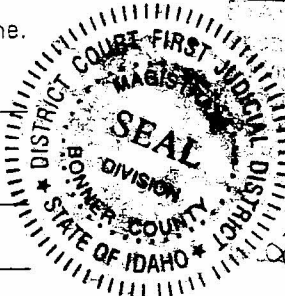
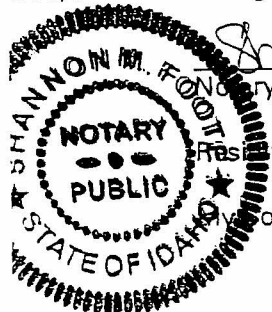
known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Shannon M. Foster  
Notary Public for Idaho  
Residing at Priest River  
Commission expires: 10.9.07



NOTICE OF PUBLIC HEARING  
OF ANNEXATION OF PROPER-  
TY

INTO GRANITE-REEDER  
WATER & SEWER DISTRICT  
Bonner County, Idaho  
DAVIS ANNEXATION

The Board of Directors (the  
"Board") of the Granite-Reeder Water  
and Sewer District (the "District") will  
be holding a public hearing on the  
annexation of property into the  
District. The public hearing will be  
held as follows:

Monday, March 5th, 2007

6:00 o'clock P.M.

Fire Station, Nordman, ID 83848

The annexation hearing is based  
upon a petition filed by Robert and  
Sharon Davis. A copy of the Petition  
and a description of the area covered  
by the Petition can be obtained from  
the District by sending a request to:

Granite-Reeder  
Water & Sewer District  
P.O. Box 465  
Nordman, Idaho 83848

All persons interested in appearing

at the time and place of the hearing  
may show cause in writing why the  
Petition for Annexation should not be  
granted. The Board shall consider, at  
the hearing, any objection presented  
in writing. The failure of any person to  
show cause in writing shall be deemed  
as an assent to include their property

in the public hearing. Persons who  
are unable to appear at the public  
hearing, may provide them in advance  
of the hearing by sending them, first  
class mail, postage pre-paid, to:

Granite-Reeder  
Water & Sewer District  
Attn: Secretary  
P.O. Box 465  
Nordman, Idaho 83848

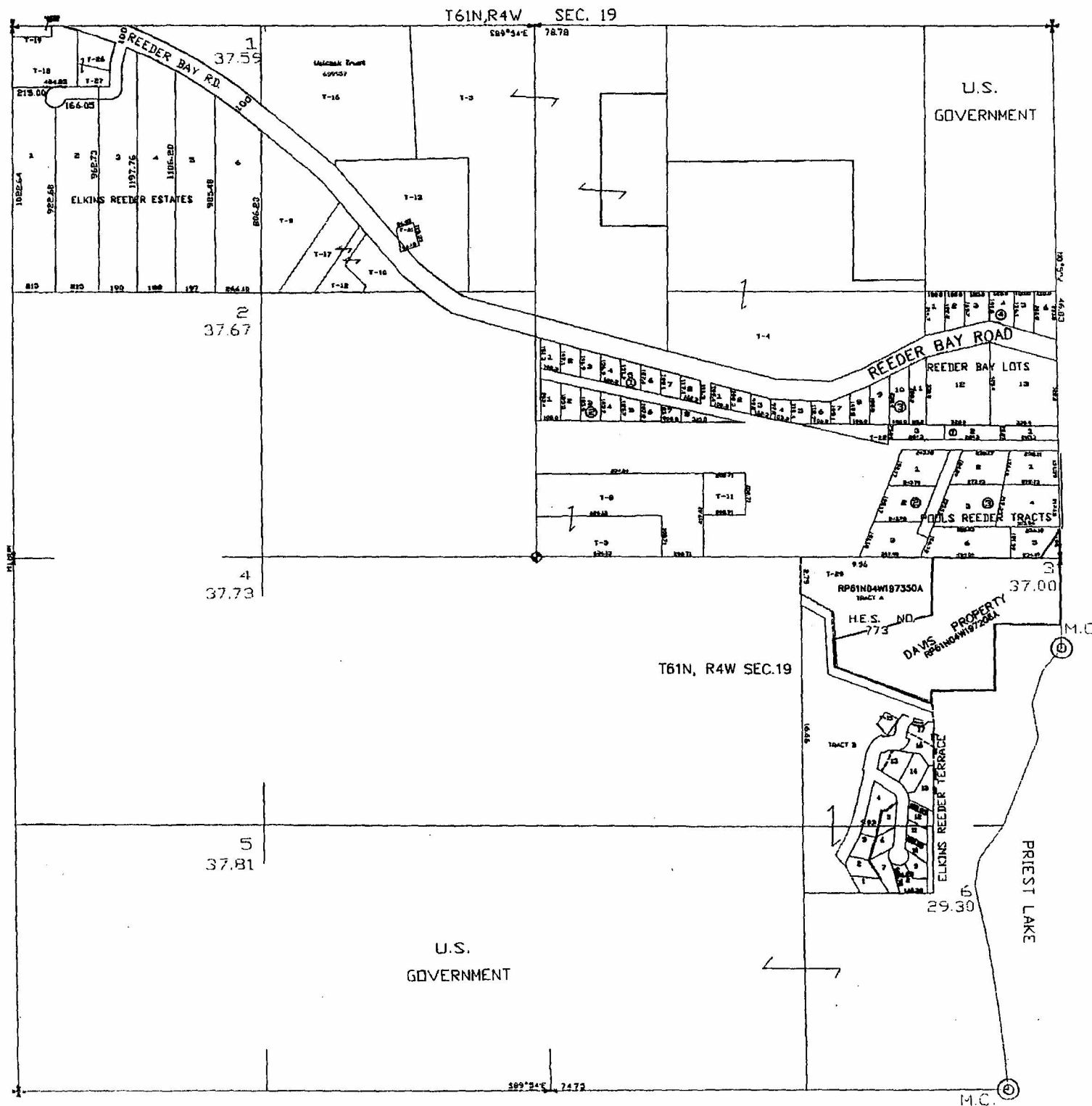
Failure to have your written com-  
ments to the Board in advance of the  
public hearing means they will not be  
considered by the Board at the public  
hearing.

DATED this 5th day of February,  
2007.

GRANITE-REEDER  
WATER & SEWER DISTRICT  
Bonner County, Idaho  
By: Donald R. Pratt  
Secretary

Legal PRT#618823  
February 14, 2007

25 August 08  
A. Phillips



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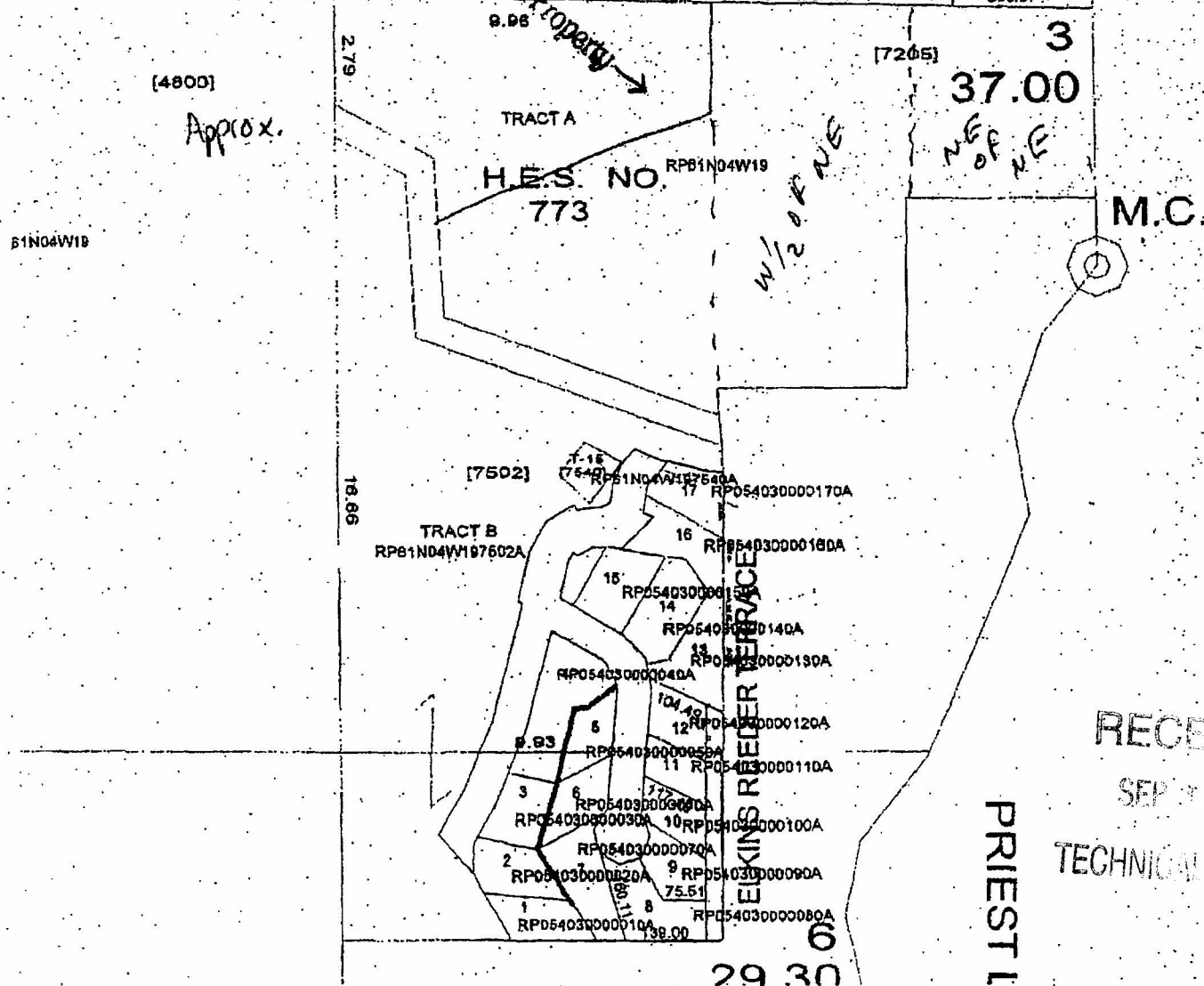
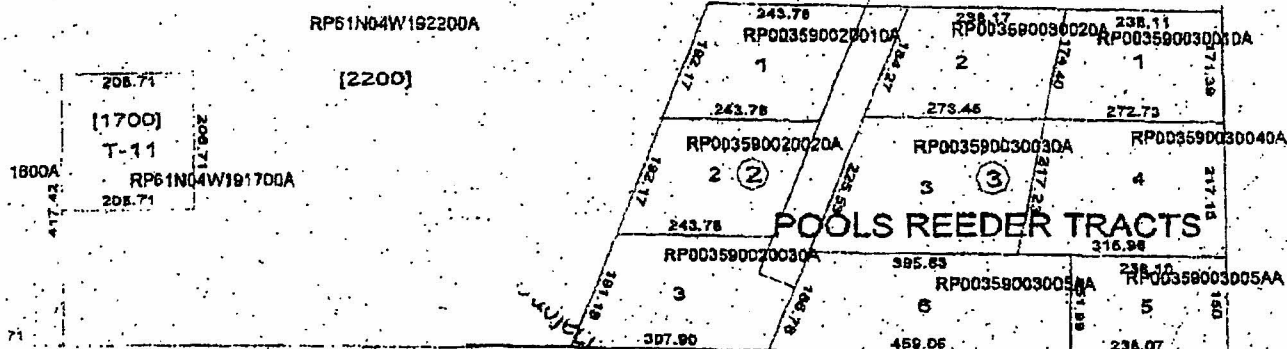
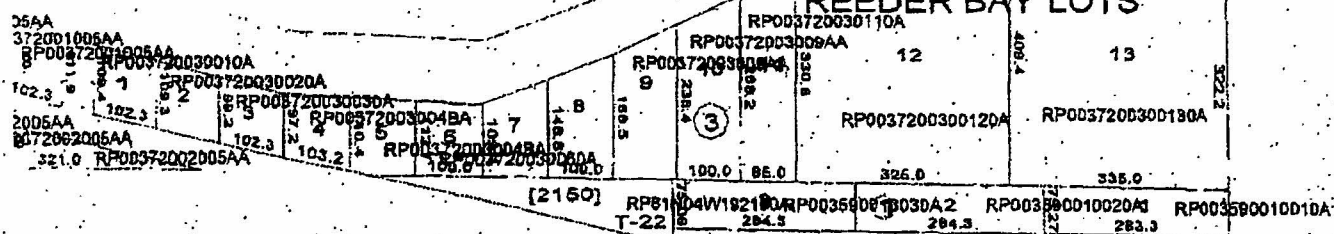
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**PRIEST D**

# POOL'S REEDER TRACTS

PORTION OF S 1/2 NE 1/4 SEC 19  
T 61 N, R 4 W, B.M. IDAHO  
JULY 1966

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## COUNTY SURVEYOR'S AFFIDAVIT

I hereby certify that I have examined the herein plat of POOL'S REEDER TRACTS and checked the computations involved sufficiently to determine that the same are correct with the requirements of the Laws relating to filing of plats.

DATED this 31 day of Aug, 1967

County Surveyor

## SURVEYOR'S CERTIFICATION

I hereby certify this is a correct plat of POOL'S REEDER TRACTS that all monuments as shown thereon have been placed by me by actual survey in August 1966 and that the metes and bounds description as given in the owners certificate is correct.

DATED this 15 day of July, 1967.

Robert S. McQuinn  
Licensed Land Surveyor

## COUNTY TREASURER

I hereby certify that all taxes which have been levied and become chargeable against the land shown on this plat and described in the owners certificate of this date have been fully paid, satisfied and discharged.

DATED this 30 day of September, 1967

County Treasurer  
By John M. [Signature]

## COUNTY COMMISSIONER'S ACCEPTANCE & APPROVAL

Accepted and approved by the Board of County Commissioners of Bonner County Idaho, on this 12 day of Sept, 1967

NOTE Under Sect 40-701 of the Idaho Code, no streets or roads less than 50 feet wide are eligible for improvements or maintenance with County funds.

CLERK

By John M. [Signature] Deputy

## COUNTY HEALTH OFFICER

Approved and accepted this 12 day of Sept, 1967

## OWNERS' CERTIFICATE

Walter F Pool and Abra Lee Pool, his wife, hereby certify that they are the owners of the land embraced by the here-in plat of POOL'S REEDER TRACTS in S 1/2 NE 1/4 Sec 19, T 61 N, R 4 W, B.M. Idaho, and had the same platted into lots, blocks and roadways as shown by the herein plat the boundaries of which are more specifically described as follows: Beginning at the East 1/4 Corner of Section 19, T 61 N, R 4 W, B.M. Idaho, said point being the Initial Point of this survey; Thence N 0° 03' E, 680.90 feet; Thence N 89° 01' W, 852.96 feet; Thence S 0° 03' W, 75.09 feet; Thence S 53° 17' E, 89.19 feet; Thence S 22° 21' W, 575.52 feet; Thence 89° 01' E, 1,003.03 feet to the Point of Beginning; Use of the Access Roadways as shown on the herein plat is hereby granted to the lot owners.

DATED this 25 day of August, 1967.

## ACKNOWLEDGEMENT

COUNTY OF Bonner,  
STATE of Idaho.

On this 25 day of August, 1967 before me a Notary Public appeared Walter F Pool and Abra Lee Pool his wife, personally known to me to be the persons who subscribed their names to the foregoing owners certificate of POOL'S REEDER TRACTS and acknowledged to me that they executed the same as their own free and voluntary act for the purposes therein stated.

Signed and officially sealed on date above given. My commission expires 7/1/69

Signed [Signature]  
Notary Public in and for the State of Idaho

By [Signature]  
John L. HANCOCK, BONNER COUNTY TREASURER